conception — admittedly fundamental in Rome and in England as well as in this country — that sovereign power is derived from the people, might well result in recognizing in the people, at least in such countries as the United States and Switzerland, the legal sovereignty which the author now distributes among the various agents of the people. Again, in the new classification of constitutions, France is placed in the same class with this country; but some things which are indicated as being the striking features of Rigid Constitutions generally, seem to apply to France no more than to England. It is also to be regretted that one preëminently fitted to express an opinion is perhaps overcautious in stating what seems to him to be the probable development of the questions considered. It may be added that the awkward and unattractive form in which the American edition is presented is most unfortunate.

TWO CENTURIES' GROWTH OF AMERICAN LAW. By the members of the faculty of the Yale Law School. New York: Chas. Scribner's Sons. 1901. pp. xviii, 538. 8vo.

This volume was published in connection with the bicentennial celebration of Yale University, as the contribution of the law faculty to the commemoration of that anniversary. Each of the eighteen chapters, except the Introduction, deals with a single main division of the law, discussing its development in this country during the last two centuries. Perhaps the most interesting and valuable portions of the book are found in a few chapters which enter more or less briefly into colonial history. The beginnings of a legal system are always interesting to the student of institutions, and the events, movements and tendencies of the colonial period would naturally have a considerable bearing on the subsequent development of a national system of law. There is also to be found in more than one chapter an occasional shrewd suggestion or instructive comparison, or a thoughtful generalization from scattered but related cases.

But unfortunately the greater part of the book is taken up with a mere enumeration of rules of law at present in force in this country, which have had their origin within the last two centuries. In most cases the statement is too general to be useful to the lawyer, and too brief or technical to be of value to the layman. There is seldom any attempt to explain the origin or the importance of the various rules, and they are not arranged or classified so as to indicate or illustrate general tendencies or suggest probable future development. There is a certain slight interest in running the eye over such a bare enumeration, and noting how many of the existing rules of law are of comparatively recent origin; but it is hardly to be supposed that the book was written to gratify curiosity. The chief virtue of such a catalogue would be its completeness; but here again we meet with disappointment. Such subjects as Negotiable Instruments and Conflict of Laws which, from their comparatively modern origin as branches of English and American law, especially deserve treatment in an account of the growth of our legal system, are disposed of with a brief and subordinate treatment, or a passing allusion. Similar faults are found in the individual chapters. Necessarily many unimportant matters must be omitted, but it is somewhat surprising to find no mention whatever of such a principle as the Rule against Perpetuities.

It must of course be admitted that it was no easy task to select the materials for a single volume out of the vast store included within the scope of the title; but the authorship of the book and the occasion of its publication were such as to justify high expectations. Nevertheless it is easier to criticise than to create, and the critic may therefore be pardoned if in self-defence he suggest some of the things which the reader, on first opening the book, might not unreasonably have expected to find therein. Three at least readily propose themselves. If in the enumeration of existing rules of law, all those which are peculiar to this country had been pointed out, the data at least would have been furnished from which to form a conception of the distinguishing characteristics of American law. This opportunity is neglected, for though the references to English law

are tolerably frequent, there is no consistent attempt to mark the differences between the two systems. A second suggestion strikes somewhat deeper. In a survey of the changes which the law has undergone during a long period, it is not difficult to discern certain definite movements and tendencies, the development of fundamental principles already established, and the gradual establishment of principles which are substantially new. No greater service could be done to legal education in this country than that of tracing, so far as possible, through the current of decisions and legislation, the underlying principles to which the surface changes are referable. It is only fair to say that in a few instances something of this sort is attempted in the book under discussion, and with sufficient success to make the reader regret that such attempts are so rare. A third service which the authors might have rendered is suggested by the intimate relation between the history of law and the history of politics and society. One of the most obvious examples is found in the effect, hardly to be overestimated, which the abolition of primogeniture has had on the constitution of our society. Many other instances of the connection between law and political and social history, less evident or familiar, but for that reason all the more instructive, might have been pointed out. But scarcely anything of this sort is attempted.

It is evident that to have done either of the two things last suggested would have taken a good deal of space. But on the other hand comparatively few specific cases and rules of law would have sufficed for illustration, and work of scholarly character and permanent value would thus have taken the place of a catalogue of legal rules, which can scarcely be said to make a substantial contribution to any department of legal learning. The portions of the book, already referred to, which are of genuine interest and value, are sufficient to justify its publication; but one cannot help regretting that so many excellent opportunities to add materially to the sum of legal scholarship were almost entirely neglected.

A TREATISE ON INTERNATIONAL PUBLIC LAW. By Hannis Taylor. Chicago: Callaghan & Co. 1901. pp. lxxvi, 912. 8vo.

Though international law has been developed largely by text writers, and though it lends itself readily to text-book treatment, the subject has not yet been thoroughly and satisfactorily covered. Authors have differed as to the advantages of the historical method as compared with the analytical method in application to this branch of the law, and, adopting the one or the other method, have failed to give an exhaustive treatise. The author of the present work, as he shows in his preface and introductory chapter, believes in the superiority of the historical method, but recognizes that the analytical method, too, must be invoked "in order that the intent and meaning of the various and complicated rules may be clearly expounded." At the outset, the author is handicapped by the magnitude of the task which he sets before himself. To write an adequate history of international law and at the same time an adequate treatise on the rules and principles, would be well-nigh impossible within the limits of a single volume of convenient size. The author's failure to write the ideal text book is due principally to subordinating too far a clear statement and thorough discussion of the rules to an elaborate exposition of the historical growth of the law, and to lengthy citations of historical illustrative instances.

Aside from the first two parts of the book which are devoted to purely historical matter, the author, in general, has followed Wheaton's classification. On disputed points in the law, the book adds nothing to the literature of the subject, for the author gives too little attention to analysis. An instance of this is to be found in § 131, where McLeod's case is considered. Mr. Webster's view of the case is stated accurately and concisely, and the opposing attitude of the New York court is adverted to, but the author dismisses the subject without showing the underlying principle in the case which clearly justified Mr. Webster. Again in §§ 164–168, in which the learned author treats of the effect of change of sovereignty on state obligations, the views of many writers are set